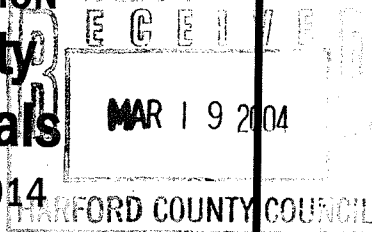


STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014



Case No. 5414
Date Filed 3-17-04
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	CASE 5414 MAP 38 TYPE Variance
<input type="checkbox"/> Special Exception	
<input type="checkbox"/> Use Variance	ELECTION DISTRICT 4 LOCATION 2789 Park Road, Baldwin, Md. 21013
<input type="checkbox"/> Change/Extension of Non-Conforming Use	BY Frank and Carla Rakowski (Jeffrey Hoilman, 221 Gateway Drive, Bel Air, Md. 21014)
<input type="checkbox"/> Minor Area Variance	
<input type="checkbox"/> Area Variance	Appealed because a variance pursuant to Section 267-20B of the Harford County Code to
<input type="checkbox"/> Variance from Requirements of the Code	allow an addition within the 20 foot side yard setback (10 foot proposed) in an Agricultural District
<input type="checkbox"/> Zoning Map/Drafting Correction	requires approval by the Board.
<input type="checkbox"/>	

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Mr. Frank and Mrs. Carla Rakowski Phone Number 410-557-9197
Address 2789 Park Rd Baldwin MD 21013
Street Number Street City State Zip Code

Co-Applicant Jeffrey Hoilman Phone Number 410-557-0555
Address 221 Gateway DR. Bel Air MD 21014
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property

2789 Park Rd
Baldwin, MD 21013

Subdivision

Lot Number

Acreage/Lot Size

Election District

Zoning

Tax Map No.

Grid No.

Parcel

Water/Sewer: Private

Public

List ALL structures on property and current use:

Estimated time required to present case:

If this Appeal is in reference to a Building Permit, state number

Would approval of this petition violate the covenants and restrictions for your property?

Is this property located within the County's Chesapeake Bay Critical Area? Yes No ☒

If so, what is the Critical Area Land Use designations:

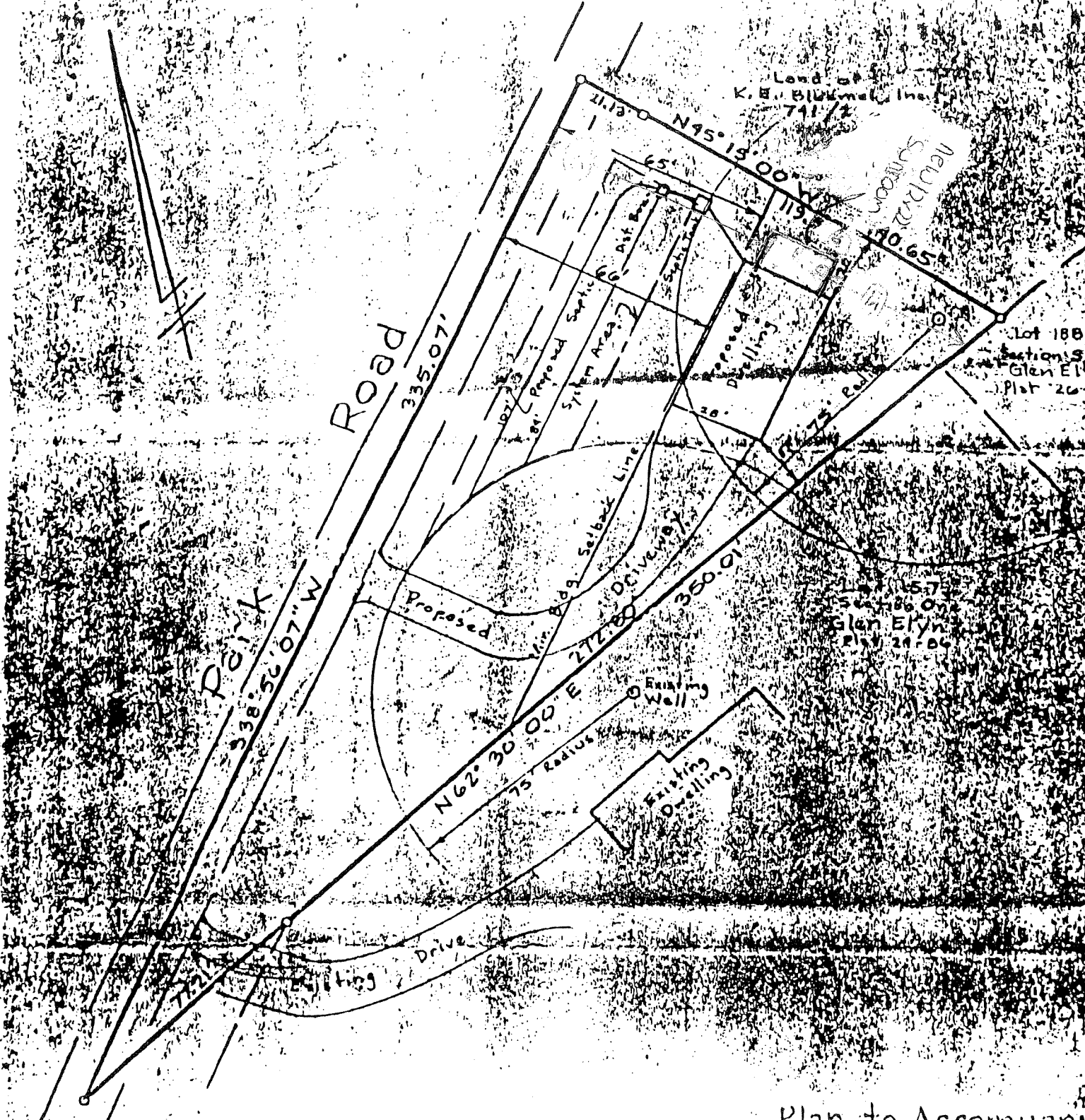
Is this request the result of a zoning enforcement investigation? Yes No ☒Is this request within one (1) mile of any incorporated town limits? Yes No ☒**Request**

To construct a 22' wide x 12' projection sunroom on the left side of the existing SFD.

Justification

The existing lot is a unique triangular shape that has minimum building space. The existing SFD was positioned on the lot where there is no area for improvements or alterations on the home without encroaching the rear or side setback.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



R.A.S.
[Signature]

Plan to Accompany
 Building Permit Application
 0.5382 Ac. SE Side Park Road
 Deed Reference: 208/55
 Fourth Election District
 Harford County, Maryland
 Scale: 1" = 40' Date: May 14, 1979
 File No. 179-009



JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



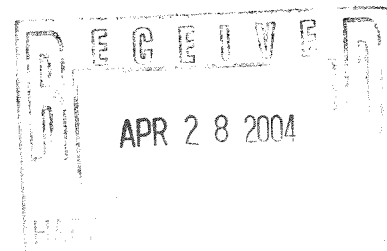
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

April 29, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5414

APPLICANT/OWNER: Mr. Frank Rakowski and Mrs. Carla Rakowski
2789 Park Road, Baldwin, Maryland 21013

Co-APPLICANT: Jeffrey Hoilman
221 Gateway Drive, Bel Air, Maryland 21014

REPRESENTATIVE: Applicants

LOCATION: 2789 Park Road
Tax Map: 38 / Grid: 4E / Parcel: 92
Election District: 4th

ACREAGE: 0.54± acres

ZONING: AG/Agricultural

DATE FILED: March 17, 2004

HEARING DATE: May 12, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"To construct a 22' wide x 12' projection sunroom on the left side of the existing SFD."

"Preserving our values, protecting our future"

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5414

Frank & Carla Rakowski

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Justification:

“The existing lot is a unique triangular shape that has minimum building space. The existing SFD was positioned on the lot where there is no area for improvements or alterations on the home without encroaching the rear or side setback.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-20B of the Harford County Code to allow an addition within the 20-foot side yard setback (10-foot proposed) in an AG/Agricultural District.

Section 267-20B of the Harford County Code reads:

B. [Amended by Bill No. 84-55] Any residential use may be continued and may be enlarged without increasing the number of dwelling units therein, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions for the district, whichever is less.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the northwest area of the County, north of Upper Crossroads. It is situated on the southeast side of Park Road, approximately 400-feet west of Hess Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located outside of the Development Envelope. The predominant land use designations in the area are Agricultural/AG Residential and Rural Residential. The Natural Features Map reflects parks, stream buffer systems and habitats of local significance. The subject property is designated as Rural Residential, which is defined by the Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 3 and 4).

STAFF REPORT

Board of Appeals Case Number 5414

Frank & Carla Rakowski

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Land Use – Existing:

The existing land uses in the area conform to the overall intent of the Master Plan. The land uses are a mix of active agriculture, large areas of dense woodland and single-family residential subdivisions. The topography of the area ranges from rolling to steep, especially near the stream valleys (Attachment 5). Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The Applicants' property is approximately 0.54 acres in size with frontage on Park Road. The lot is triangular in shape and adjoins the residential development of Glen Elyn on the south and west sides. Improvements consist of a brick and frame bi-level dwelling with attached two-car garage. To the right side of the dwelling is the main driveway that leads to a gravel parking and turning area. Extending to the west from the parking area and running along the rear property line is an additional driveway and access point onto Park Road. The well is located to the rear of the dwelling in the left rear corner of the lot. The septic system and drain field are located in the area to the front of the dwelling. Most of the improvements are screened from the road and adjoining properties by large existing trees and shrubbery. The lot is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report is an enlargement of the aerial photograph and site photographs (Attachments 7 and 8).

Zoning:

The zoning patterns conform to the overall intent of the Master Plan. The predominant zoning classifications are AG/Agricultural and RR/Rural Residential. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-20B of the Harford County Code to allow an addition within the 20-foot side yard setback (10-foot proposed) in an AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Section 267-20B:

B. [Amended by Bill No. 84-55] Any residential use may be continued and may be enlarged without increasing the number of dwelling units therein, provided that no such addition shall

STAFF REPORT

Board of Appeals Case Number 5414

Frank & Carla Rakowski

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extend closer to any lot line than existing building surfaces or the required yard dimensions for the district, whichever is less.


The lot was created prior to the 1957 Zoning Ordinance. The lot's unusual shape did not allow the dwelling to meet the required standard setbacks under the Agricultural District at that time. Permit 2588-79 was issued in 1979 and later amended to construct a single-family dwelling with the attached garage. Because of its unusual shape and limited building envelope, the permit was issued under Section 18.1 of the 1957 Zoning Ordinance (Attachment 10). The only area where the dwelling could be located was to the left corner of the lot. The well is located to the left and rear of the dwelling, and the septic system drain fields run across the front of the dwelling. Enclosed with the report is a copy of Permit 2588-79 (Attachment 11).

The Applicants are requesting an expansion of the existing non-conforming dwelling to add a sunroom addition to the left side of the dwelling. This is the only area where the room could be added without interfering with the well and septic systems.

The Department finds that the property is unique pursuant to Section 267-11 of the Harford County Code. The existing trees and shrubbery will screen the proposed addition from the adjoining property. The dwelling on the adjoining lot is approximately 150-feet to the east of the Applicants' side property line.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved, subject to the Applicants obtaining all necessary permits and inspections for the addition.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka